

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 731

Short Title: Collateral Source Evidence.

(Public)

Sponsors: Representatives Neely; Berry, Bowie, Brawley, J. Brown, Buchanan, Cansler, Church, Cocklereece, Crawford, Daughtry, Dickson, Ellis, Gamble, Gardner, Hayes, Hill, Hurley, Ives, Kiser, McComas, McMahan, Miner, Morgan, Owens, Preston, Redwine, Robinson, Russell, Sexton, Sharpe, Shubert, Snowden, Thompson, Weatherly, Wilkins, C. Wilson, and Wood.

Referred to: Rules, Calendar and Operations of the House.

April 3, 1995

A BILL TO BE ENTITLED

1 AN ACT TO PREVENT DOUBLE RECOVERIES IN PROPERTY DAMAGE,
2 PERSONAL INJURY, AND WRONGFUL DEATH ACTIONS BY ALLOWING
3 EVIDENCE OF OTHER SOURCES OF RECOVERY.
4

5 The General Assembly of North Carolina enacts:

6 Section 1. Article 4 of Chapter 8C of the General Statutes is amended by
7 adding a new section to read:

8 "Rule 413. Collateral source evidence.

9 (a) For the purposes of this Rule, 'collateral source payments' means payments
10 related to the injury, disability, or death in question made to the plaintiff, or on plaintiff's
11 behalf, by or pursuant to:

12 (1) A federal, state, or local income disability or workers' compensation act;
13 or other public program providing medical expenses, disability
14 payments, or similar benefits;

15 (2) Health, accident, sickness, or automobile accident insurance or liability
16 insurance that provides health benefits or income disability coverage;

1 except that 'collateral source payments' shall not include life insurance
2 benefits available to the plaintiff, whether purchased by the plaintiff or
3 provided by others, payments made pursuant to the Social Security Act,
4 or pension payments;

5 (3) A contract or agreement of a group, organization, partnership, or
6 corporation to provide, pay for, or reimburse the costs of hospital,
7 medical, dental, or other health care services; or

8 (4) A contractual or voluntary wage continuation plan provided by
9 employers or any system intended to provide wages during a period of
10 disability.

11 (b) In a property damage, personal injury, or wrongful death action, the court shall
12 allow into evidence proof of:

13 (1) Collateral source payments;

14 (2) The amount of money which the party against whom the evidence of
15 collateral source payments is offered is required to repay as a result of
16 the collateral source payments received; and

17 (3) The cost to the party against whom the evidence of collateral source
18 payments is offered, or to the members of the party's family, of the
19 collateral source payments received by that party's family."

20 Sec. 2. This act becomes effective October 1, 1995, and applies to actions filed
21 on or after that date.